

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
BIG STONE GAP DIVISION**

**UNITED STATES OF AMERICA**

v.

**JEFFREY SCOTT BREWINGTON, JR.,**

Defendant.

Case No. 2:12CR00009-007

**OPINION**

By: James P. Jones  
United States District Judge

*Jennifer R. Bockhorst, Assistant United States Attorney, Abingdon, Virginia,  
for United States; Jeffrey Scott Brewington, Jr., Pro Se Defendant.*

The defendant, Jeffrey Scott Brewington, Jr., has filed a motion and an amended motion pursuant to 28 U.S.C. § 2255. I find that the United States' Motion to Dismiss must be granted.

The defendant was sentenced by this court on October 22, 2012, after pleading guilty to conspiring to distribute controlled substances (Count One) and possessing a firearm in furtherance of a drug trafficking offense (Count Nine). He received sentences of 60 months imprisonment as to each count, to run consecutively. There was no appeal.

On July 5, 2016, Brewington filed a motion pursuant to 28 U.S.C. § 2255, contending that his sentence as to Count Nine pursuant to 18 U.S.C. § 924(c) was invalid under the holding by the Supreme Court in *Johnson v. United States*, 135 S.

Ct. 2551 (June 26, 2015).<sup>1</sup> He also claims that his attorney was ineffective because “no firearm nor Machine Gun ever existed.” Mot. 5, ECF No. 221.

The United States has filed a Motion to Dismiss, asserting that Brewington’s § 2255 motion, as amended, should be dismissed because (1) the *Johnson* holding cannot apply to his § 924(c) conviction, because it did not involve a crime of violence, but rather a drug trafficking offense; and (2) his claims are barred by the one-year statute of limitations contained in 28 U.S.C. § 255(f)(1).

I agree that Brewington’s claims are barred by the statute of limitations and that in any event, his *Johnson* claim is without merit. Accordingly, the United States’ Motion to Dismiss will be granted and the § 2255 motion will be dismissed.

A separate final order will be entered forthwith.

DATED: May 16, 2017

/s/ James P. Jones  
United States District Judge

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<sup>1</sup> The motion was filed in this court on July 8, 2016, but the Certificate of Service signed by Brewington recites that it was mailed on July 5. Mot. 18, ECF No. 221.